

United States District Court

SEP - 9 2015

SOUTHERN

DISTRICT OF
MCALLEN DIVISION

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA
v.

CRIMINAL COMPLAINT

Juan Carlos MendezYOB: 1980 *Principal*

Case Number:

M-15-1559-M**Cynthia Mendez**YOB: 1988 *CO-Principal*

United States

the United Mexican States

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about

the September 7, 2015 in Hidalgo County, in
 Southern District of Texas defendants(s) did,

(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Guillermo Mares-Lango and Florentino Velasquez-Torres, citizens and nationals of the United Mexican States, Cristian Jose Zaldivar-Palma and Amilcar Jamil Mejia, citizens and nationals of Honduras and twelve (12) other undocumented aliens for a total of sixteen (16), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Hidalgo, Texas to the point of arrest near Hidalgo, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) **FELONY**
 I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On September 7, 2015, Hidalgo, Texas Police Department conducted two vehicle stops and requested the assistance, from Weslaco Border Patrol which resulted in a 2 on 16 criminal Alien Smuggling Case.

On September 7, 2015, Border Patrol Agents responded to the Hidalgo Police Department vehicle stop at the intersection of 25th street and Military Highway.

Officer Garza advised agents that Hidalgo Police Department Dispatch received a concerned citizen call regarding vehicles loading several suspected undocumented aliens near the cul-de-sac of 25th street in Hidalgo, TX.

Continued on the attached sheet and made a part of this complaint:

Yes No

*Approved
JST*

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Signature of Complainant

Adan De Los Santos Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

September 9, 2015

10:16 am at

McAllen, Texas

City and State

Date

Peter Ormsby, U. S. Magistrate Judge
 Name and Title of Judicial Officer

Peter Ormsby
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

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**RE: Juan Carlos Mendez
Cynthia Mendez**

CONTINUATION:

Officer Garza saw a dark colored Ford Explorer and a black Dodge Charger with numerous subjects inside without seatbelts on. Officer Garza radioed for backup to assist with the black Dodge Charger. Officer Garza pulled the dark colored Ford Explorer over for unrestrained occupants. Officer Garza stated the driver jumped out of his vehicle and state that several subjects jumped into his vehicle without his consent. Officer Garza placed the driver (Juan Carlos Mendez) into his patrol vehicle while he conducted a further investigation. Officer Garza returned to the vehicle and counted twelve subjects lying down piled on top of each other crammed into the vehicle. Officer Garza noticed the occupant's wet clothes and fresh muddy shoes. Based on Officer Garza's observations, Hidalgo Police Department dispatch was notified to request Border Patrol to assist.

Weslaco Border Patrol Agents questioned the twelve passengers as to their citizenship and they freely admitted to being in the U.S. illegally, with no documents which would grant them legal status. The driver, Juan Carlos Mendez, was questioned as to his citizenship, at which time he stated he was a United States Citizen. All subjects were subsequently placed under arrest and transported to the Weslaco Border Patrol Station for processing.

At approximately the exact time, Border Patrol Agents also responded to the Hidalgo Police Department vehicle stop at the intersection of 10th street and half mile north of Military Highway. Officer Magallan along with Lt. Guzman pulled the Black Dodge Charger over for unrestrained occupants. Officer Magallan requested the driver to turn off and exit the vehicle. Officer Magallan observed five subjects wearing wet dark clothes and fresh muddy shoes. Officer Magallan questioned the driver (Cynthia Mendez) if she knew the passengers. The driver stated the occupants flagged her down and requested a ride to the store for water. Based on Officer Magallan's observations, Hidalgo Dispatch was notified to request Border Patrol to assist.

Weslaco Border Patrol Agents questioned the four passengers as to their citizenship and they freely admitted to being in the U.S. illegally, with no documents which would grant them legal status. The driver, Cynthia Mendez-Martinez, was questioned as to her citizenship, at which time she stated she was a United Mexican States Citizen. All subjects were subsequently placed under arrest and transported to the Weslaco Border Patrol Station for processing.

Once at the Weslaco Border Patrol Station, interviews of the subjects led to the identification of Juan Carlos Mendez and Cynthia MENDEZ-Martinez as the principals of the case and the following information was revealed. Further interview discovered Juan Carlos Mendez and Cynthia Mendez-Martinez as husband and wife legally married in Minnesota.

NOTE:

Principal Juan Carlos Mendez has an extensive criminal record and numerous convictions. Principal Juan Carlos Mendez was arrested by Falfurrias Border Patrol Station for transporting aliens through the Falfurrias checkpoint. See event FLF1506000295. See record checks.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
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**RE: Juan Carlos Mendez
Cynthia Mendez**

CONTINUATION:

PRINCIPAL #1

Juan Carlos Mendez, was read his Miranda Rights, he stated that he understood them and was willing to answer all questions truthfully under oath without the presence of an attorney

Mendez, claims that he was in south Hidalgo, Texas to pick up illegal aliens. A friend named "Chuy" from Mexico called him to pick up undocumented aliens. He was driving a green Ford Explorer and his wife Cynthia Mendez was driving a black Dodge charger following right behind him. Mendez stated he forced his wife Cynthia Mendez to pick up aliens but she was scared and didn't want to do it. Both Mendez and his wife went to the corner of the neighborhood to pick up the illegal aliens.

Mendez stated an unknown subject waved to him and he stopped. He then claims the undocumented aliens got into his vehicle. Once Mendez received the aliens, he was supposed to call "Chuy", but never got a chance. Mendez claims he would be paid \$100 USD for each alien, but was told it would only be 5 aliens. Mendez stated once the aliens were inside his vehicle, he did not say anything to them because he did not know them. Mendez stated he knew the subjects he was picking up were undocumented aliens and that it was illegal to transport undocumented aliens. Mendez stated this is his first time transporting undocumented aliens and that he has never done this before and will never do it again.

PRINCIPAL #2

Cynthia Mendez a United Mexican States Citizen and a Legal Permanent Resident in the United States, was read her Miranda Rights and she understood them. She was willing to answer all questions truthfully under oath without the presence of an attorney.

Cynthia Mendez, claims she was in south Hidalgo, Texas to buy a table with her husband. She said that they drove separate vehicles because they were coming from different areas. Cynthia Mendez stated she was waved to by an unknown subject and asked for water. She stated she would take them to the store. Cynthia Mendez admitted that she was involved in a previous smuggling attempt at the immigration Checkpoint in Falfurrias, Texas.

NOTE:

Cynthia Mendez was arrested by Falfurrias Border Patrol Station for transporting aliens through the Falfurrias checkpoint. See event FLF1506000295. Cynthia Mendez is suspected of smuggling drugs from Mexico into the U.S. and using a business she owns as a distribution point for narcotics redistribution.

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CONTINUATION:

Material Witness #1

Christian Josue Zaldivar-Reyes was read his Miranda Rights and he understood them. He stated that he was willing to answer all questions truthfully under oath without the presence of an attorney

Zaldivar stated that he made arrangements in Honduras with a man that he could not identify. Zaldivar stated that he paid \$5,000.00 to be smuggled into the United States. He crossed the Rio Grande River in a raft on September 06, 2015, and one unknown person assisted him. He stated that he crossed the river with a lot of people and they walked north and waited in the brushy vegetation from the point of landing until loading into the vehicle. Zaldivar stated the guide led them north and stopped at a certain point and told them to keep continuing in the same direction. Zaldivar stated he knew to get into that vehicle because everyone that he traveled with also went into the same vehicle. Zaldivar identified the vehicle as a dark colored, big, and luxury vehicle. He additionally stated that he sat towards the rear of the vehicle and could not identify the driver.

Material Witness #2

Guillermo Mares-Lango was read his Miranda Rights and he understood them. He was willing to answer all questions truthfully under oath without the presence of an attorney

Mares stated that he made arrangements to be smuggled into the United States with an unknown subject located in Reynosa, Tamaulipas, Mexico. Mares contacted the unknown subject by phone from Aguas Calientes, who give him instructions on what to do. Mares stated that a subject known as "El Rata" or "El Topo" picked him up in a dark in color truck and took him to a warehouse. Mares identified the warehouse as being in an ordinary neighborhood.

Mares stated that the smuggling arrangements were for his friend from Florida to pay the smugglers. Mares explained that on Sunday September 6, 2015 he was transported to the Rio Grande River where he crossed the Rio Grande River along with nine other subjects and two guides. Mares stated that after the guide felt comfortable he had the group head back north where they crossed a canal and hid behind a home that was under construction. Mares stated that they stayed behind the home under construction for about thirty minutes before being ordered to get into a vehicle by one of the guides. Mares described the vehicle as a dark colored Expedition or Explorer type of sports utility vehicle. Mares explained that he sat in the passenger seat right next to the driver. Mares also mentioned that initially he and two other subjects sat in the front passenger seat but that the guide ordered two of the subjects to get in the backseat. Mares stated that the guide stayed behind once the vehicle picked them up. Mares described the driver as being fat, dark brown complexion, average height, and short hair with a shirt that had some white color to it.

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CONTINUATION:

Mares stated that the driver did not give them any instructions and explained that the driver was talking on the phone possibly to a woman. Mares believed it was the drivers wife because he heard him say "I love you" to the person on the other line. Mares identified the driver and did so through a photo lineup. Mares stated that the driver drove around for about three minutes before being pulled over by the police. Mares mentioned that when the police stopped them the driver exited the vehicle and tried acting like if he was in distress and requested help from the police officer as if he was scared. Mares explained that he was unsure if the driver knew that they were undocumented but he believes that he did know.

MATERIAL WITNESS #3

Florentino Velasquez-Torres, was read his Miranda Rights and he understood them. He was willing to answer all questions truthfully under oath without the presence of an attorney.

Velasquez stated that he made arrangements with a smuggler in Reynosa, Mexico and paid \$300 to be allowed to cross the river. Velasquez stated that a guide helped a group of approximately 10 people across the Rio Grande River, led the group through the brush and told them to cross a canal and wait. Velasquez stated that he and the rest of the group waited by a house that was under construction, the group saw a four door car approaching their location and waved the car down, the car stopped and he and several people from the group entered the car.

Velasquez sat in the front passenger seat and described the driver as a heavy set lady wearing a blue shirt and a yellow shirt. The driver of the vehicle instructed the group to put on their seatbelts because she would get a ticket, she told the group that she was taking us to the store as they began driving away the police pulled them over. Velasquez identified Cynthia Mendez-Martinez as the driver of the car that he got in through photo line-up.

Material Witness #4

Amilcar Jamil Mejia, was read his Miranda Rights and stated he understood them. He was willing to answer all questions truthfully under oath without the presence of an attorney.

Mejia stated that he made arrangements to be smuggled into the United States from Honduras. Mejia claims to have talked to a man named "Willy" who told Mejia that he was to pay 4,000 U.S. Dollars in Honduras to cross him into the United States and then 3,000 U.S. Dollars upon arrival in Houston, Texas. Mejia stated that an unknown subject helped him and four others cross the Rio Grande River. Mejia and the other four subjects walked and laid up in the brush. Mejia stated that he and the four other subjects then walked behind a home that is under construction and waited there until the load up vehicle showed up.

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CONTINUATION:

Mejia said they came out from behind the home once they saw a four door car approaching their location. Mejia and the four other subjects waved down the four door car which was driven by a female and they asked her for water. The female driver asked them to get in the vehicle and she told them she would take them to a store. Mejia stated that he didn't know that they were going to get loaded up in a vehicle and stated that he just followed the rest of the group. Mejia identified the vehicle as a black in color four door vehicle. Mejia stated that he sat in the back seat of the vehicle and also stated that he was unsure of what happened to the guide. Mejia stated that once they were in the car the female drove for about five to ten minutes before being pulled over.

Mejia stated that the female knew they were undocumented and further stated that the female driver did not say anything to them before being pulled over. Mejia identified Cynthia Mendez as the driver through photo line-up.